IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 3427 of 2007()

CRA.737/2007 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.1058/1999 of JUDL. MAGISTRATE OF FIRST CLASS, CHANGANACHERRY

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REVN. PETITIONER: APPELLANT/ACCUSED

JOHN KURIEN, AGED 52
S/O.KURIEN,KUTTIKKAL HOUSE, PARUTHUMPARA,
PATHIYAPPALLY BHAGOM, VELLUTHUTUTHY,
PANACHIKADU, KOTTAYAM DIST.

BY ADV. SRI.P.A.MOHAMMED SHAH

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.NAZAR
SRI.KISHOR B.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3427 OF 2007 C

Dated this the 20th day of November, 2007

O R D E R

In this revision filed by the 1st accused in C.C.No.1058/99 on the file of JFCM, Changanacherry for offences punishable under sections 420 and 120B read with section 34 IPC, challenges the conviction entered and the sentence passed against him by the courts below concurrently for the offence punishable under section 420 IPC.

2. Pending this revision, the revision petitioner has compounded the offence with the persons who have been cheated including the de facto complainant totalling to seven. Those persons are

(i) C.B.Sreekumar;

(ii) James Mathew;

(iii) A.S.Subair;

(iv) A.S.Gopi;

(v) V.S.Jacob;

(vi) Binu K. Mathew and

(vii) Santhosh Philip.

Crl.M.A.No.12194/07 is a petition filed by the revision petitioner and signed by C.B.Sreekumar, James Mathew, A.S.Subair, A.S.Gopi and V.S.Jacob mentioned above requesting to accept the composition and acquit the accused as against those five persons. Crl.M.A.12195/07 is a similar petition filed by the revision petitioner and Binu K. Mathew, the de facto complainant, requesting to record the composition as against the de facto complainant(Binu K. Mathew) and to acquit the revision petitioner. Crl.M.A.12196/07 is a petition filed by the revision petitioner and Santhosh Philip referred to above seeking to record the composition and acquit the revision petitioner as against the said person. Crl.M.A.12201/07 is an application filed by the revision petitioner for permission to compound the offence. The above applications are allowed and the composition entered into between the revision petitioner and the aforesaid seven persons is recorded. This will have the effect of an

acquittal of the revision petitioner under section 320(8) Cr.P.C. of the offence punishable under section 420 IPC. Crl.M.A.12197/07 filed for impleading the aforementioned seven persons, who were cheated, is dismissed as unnecessary.

This Crl.R.P. is disposed of as above recording the composition.

(V. RAMKUMAR, JUDGE)

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